

**THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

KEVIN IMMEL, ADC #660654

PLAINTIFF

v.

Case No. 3:19-cv-00229-KGB

SUSAN COX


DEFENDANT

ORDER

Before the Court are the Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerome T. Kearney on November 4, 2019 (Dkt. No. 7). Judge Kearney recommends that plaintiff Kevin Immel's claims be dismissed without prejudice for failure to state a claim upon which relief may be granted. No objections have been filed, and the deadline for filing objections has since passed. After careful consideration, the Court finds no reason to alter or reject Judge Kearney's conclusion.

Accordingly, the Court adopts the Proposed Findings and Recommendations in their entirety as this Court's findings of fact and conclusions of law. The Court dismisses Mr. Immel's claims without prejudice. Dismissal of this action constitutes a "strike" within the meaning of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from the Order and Judgment entered in this case would not be taken in good faith.

It is so ordered this 25th day of January, 2021.



Kristine G. Baker
United States District Judge